

Report on the

**Board of Chiropractic
Examiners**

Clanton, Alabama



**Department of
Examiners of Public Accounts**

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July 14, 2004

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Mr. Sanderford:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Chiropractic Examiners in accordance with the ***Code of Alabama 1975***, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Chiropractic Examiners in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority:

The Board of Chiropractic Examiners operates under the authority of the *Code of Alabama 1975*, sections 34-24-120 through 34-24-176. The board was established to certify, license and regulate the practice and profession of chiropractic in Alabama. The board is empowered to conduct examinations of applicants, certify and license chiropractors, and to formulate rules and regulations relating to the profession, establish standards of continuing education, and conduct investigations and hearings based on complaints against chiropractors.

Board Characteristics:

Members	8 board members.
Terms	4 year terms. No more than two consecutive full-terms.
Selection	7 elected licensed chiropractors. 1 consumer member – appointed by the governor.
Qualifications	All except consumer member must be <ul style="list-style-type: none">• Actively licensed.• A state resident for at least five years.• A resident of the represented congressional district.• A graduate of a chartered chiropractic school or college which required actual attendance in the school as a prerequisite to graduation.• Currently practicing.• Of good moral character.• Engaged in the practice of chiropractic in Alabama for at least five years.
Limitations	Consumer member and spouse must not be <ul style="list-style-type: none">• A chiropractor.• Employed in the chiropractic field.• An immediate family member of a chiropractor.
Minority Race Representation	No statutory requirement. No minority race members.
Consumer Representation	1 consumer member required 1 consumer member.

Geographical Representation	<p>One licensed chiropractor from each of the seven congressional districts.</p> <p>One consumer member appointed by the governor, at large.</p>										
Compensation	<p>Each member is entitled to daily compensation at 80% of the rate established by <i>Code of Alabama 1975</i>, Section 34-24-54 for the Board of Medical Examiners, The maximum allowable rate specified in Section 34-24-54 is \$200/day. The Board of Chiropractic Examiners currently receives \$160.00/day for attendance at board meetings. Travel expenses are reimbursed at the same rate provided for state employees.</p>										
<u>Operations</u> Administrator	<p>Sheila Bolton, Executive Secretary - annual salary \$42,039.40. Salary set by the board with the approval of the State Personnel Department.</p>										
Location	<p>737 Logan Road Clanton, AL 35045</p>										
Examinations	<p>The National Board of Chiropractic Examiners administers a four-part examination and a Special Purposes Examination of Chiropractic. Passing the national examination is a prerequisite to application for licensure in Alabama.</p> <p>The Alabama Board of Chiropractic Examiners administers an Alabama Board Examination, which tests applicants on state laws and regulations.</p>										
Licenseses	<table> <tr> <td>Resident</td><td>610</td></tr> <tr> <td>Non-resident</td><td><u>147</u></td></tr> <tr> <td>Total</td><td><u>757</u></td></tr> <tr> <td>Retired</td><td><u>21</u></td></tr> <tr> <td>Total Active</td><td><u>736</u></td></tr> </table>	Resident	610	Non-resident	<u>147</u>	Total	<u>757</u>	Retired	<u>21</u>	Total Active	<u>736</u>
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Reciprocity	<p>The board may license an applicant if the applicant is licensed in another state that, in the opinion of the board, has standards of practice or licensure equal to or stricter then the requirements imposed by Alabama.</p>										
Renewals	<p>Each license is subject to renewal on September 30 of the year for which it is issued.</p>										

Continuing Education	A minimum of 18 hours of continuing education approved by the board is required annually for license renewal.
Employees	Full-time 2 Minority race 0
Legal Counsel	1 private attorney.
Subpoena Power	The board has the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary documentary evidence and materials.
Internet Presence	<u>www.chiro.state.al.us</u> – contains: <ul style="list-style-type: none"> • Contact information • Board member information • Staff information • Fees • Exam dates • Online services <ul style="list-style-type: none"> - License verification - License renewal • Continuing education information • Public notices (dates of board meetings and hearings) • Links to related websites

Financial

Source of Funds	Licensing and registration fees.
State Treasury	Yes - Special Revenue Fund 402.
Unused Funds	Unused funds remain on hand for future use.

SIGNIFICANT ITEMS

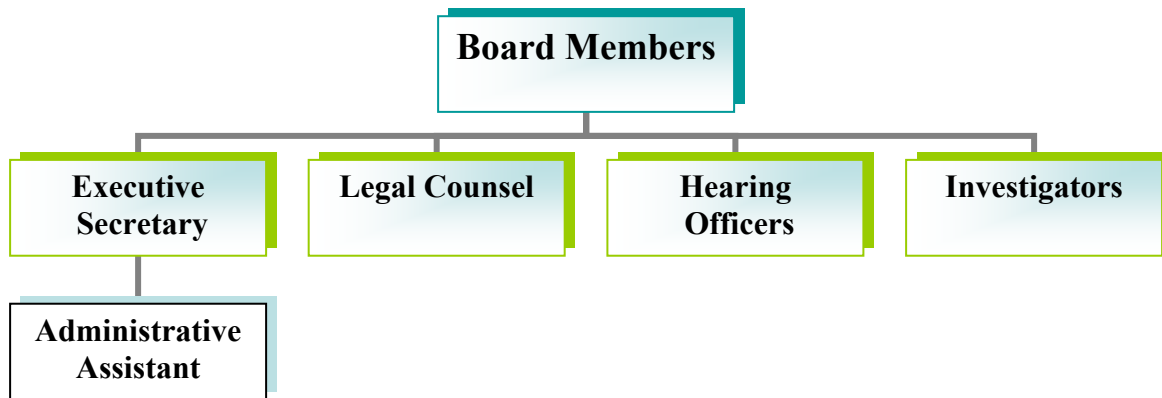
1. **Responses to questionnaires sent to licensees indicate dissatisfaction with insurance and Medicare reimbursements.** Twenty-six of the seventy licensees responding to the Licensee Questionnaire stated that insurance companies and Medicare are imposing limitations on chiropractic coverage (reimbursements) that are too severe.
2. **All five of the board members who responded to our questionnaire stated that the board's regulatory jurisdiction should be extended to non licensees who own chiropractic practices.** Subsequent to these responses, successful legislation in the 2004 legislative session resulted in Act 2004-442 which requires owners not licensed as chiropractors to obtain an annual permit from the board and to be subject to the chiropractic practice act and the board's administrative rules. Prior to Act 2004-442, the board had no disciplinary authority over non-licensee owners who did not comply with the chiropractic practice act.
3. **Beginning in December 2001, the board has closed its offices from Christmas through New Years day and has given its employees time off not charged against their leave balances for days during this period that were not state holidays.** The *Code of Alabama 1975*, Section 1-3-8 authorizes specific holidays that state offices may be closed and gives the governor the authority to declare other days as holidays. Since holidays for state offices have been specified in the law, the board does not have the authority to set a different holiday schedule.
4. **In June 2003, the board awarded its employees five days off without charging leave, in lieu of merit raises which had been frozen for state employees due to budget shortages.** The board's employees are merit system employees whose compensation is determined by the state's merit system. The board has no authority to grant extra leave or any other additional compensation beyond the employees' entitlements under the provisions of the state's merit system.

STATUS OF PRIOR FINDINGS

All prior findings have been resolved.

ORGANIZATION

Alabama Board of Chiropractic Examiners



PERSONNEL

Employees by Classification With Race and Gender Noted

Classification of Employee			Race/ Gender
Executive Secretary (Unclassified Merit System))	1	Full time	W/F
Clerk (Classified Merit System)	1	Full time	W/F
Total Employees	2		
Independent Contractors			
Investigator	2	As needed	W/F, WM
Hearing Officer	2	As needed	W/M
Attorney	1	As needed	W/M
Total Independent Contractors	5		

W - white, F – female, M - male

PERFORMANCE CHARACTERISTICS

Number of Licensees (736) per Employee (2) – 368

Operating Expenditures Per License - \$247.86

Population vs. Licensees

	Alabama	Georgia	Florida	Tennessee	Mississippi
Population*	4,447,100	8,186,453	15,982,378	5,689,283	2,844,658
Chiropractors**	736	5253	4437	1672	335
Persons per Chiropractor	6,042	1,558	3,602	3,403	8,492

* 2000 Census

** Federation of Chiropractic Licensing Boards Directory – Updated January 2003

Notification of Board Decisions to Amend Administrative Rules

The board complies with the requirements of the Administrative Procedure Act by publishing its intended actions regarding rules in the Administrative Monthly. Licensees are further notified by posting notices in board newsletters.

Complaint Resolution

Schedule of Complaints **Alabama Board of Chiropractic Examiners**

FISCAL YEAR ORIGINATED	COMPLAINTS RECEIVED	COMPLAINTS PENDING	AVERAGE TIME TO RESOLVE
2000/01	50	0	3 Months
2001/02	44	2	4 Months
2002/03	58	12	4 Months

COMPLAINT PROCESS

Investigation Performed by	<ul style="list-style-type: none">▸ Probable Cause Committee (2 licensed board members – chiropractic protocol)*▸ Legal Counsel (statutory considerations)▸ Executive Secretary/Staff (administrative processing)▸ Investigator (field work)
Initial Documentation	The board requires the complaint to be in writing on a board-supplied complaint form, signed by the complainant. The complaint form submitted must be an original. Faxes are not accepted. There is no requirement that the signature be witnessed or notarized**

Disposition of complaint if formal hearing not held	Complaints are assigned to 2 board members. The 2 board members, in concert with board legal counsel, reviews the complaint and to determine probable cause. If there is no probable cause for further action, a recommendation of no further action is presented to the board. If probable cause for further action exists, a notice of charges and a hearing date are sent to the accused. If the accused wants an informal settlement, terms are normally determined by opposing counsel. The settlement agreement is presented to the remaining board members for approval. Settlement negotiations are not allowed to extend beyond the hearing date set by the board (subject to the normal motions for continuances normally afforded defendants).
Anonymous complaints	The board does not pursue anonymous complaints regarding scope of practice issues. However, the board's enabling statutes and rules are specific in addressing advertising of chiropractic services. When the board receives anonymously submitted original improper advertisements (copies are not accepted) of a determinable source (Yellow Pages, newspaper, magazine – with the specific publisher identified), the board initiates complaint procedures to resolve the advertising infractions.
Investigating board member's status during hearing	Board members who investigate complaints are excluded from all proceedings after the notice of charges.

* Three, two-member teams - The board president and consumer member are precluded from being PC team members.

** According to the executive secretary, complaints are usually received by telephone at the board's office. The complainant's name and address are obtained, and a complaint form is mailed to the complainant.

FINANCIAL INFORMATION

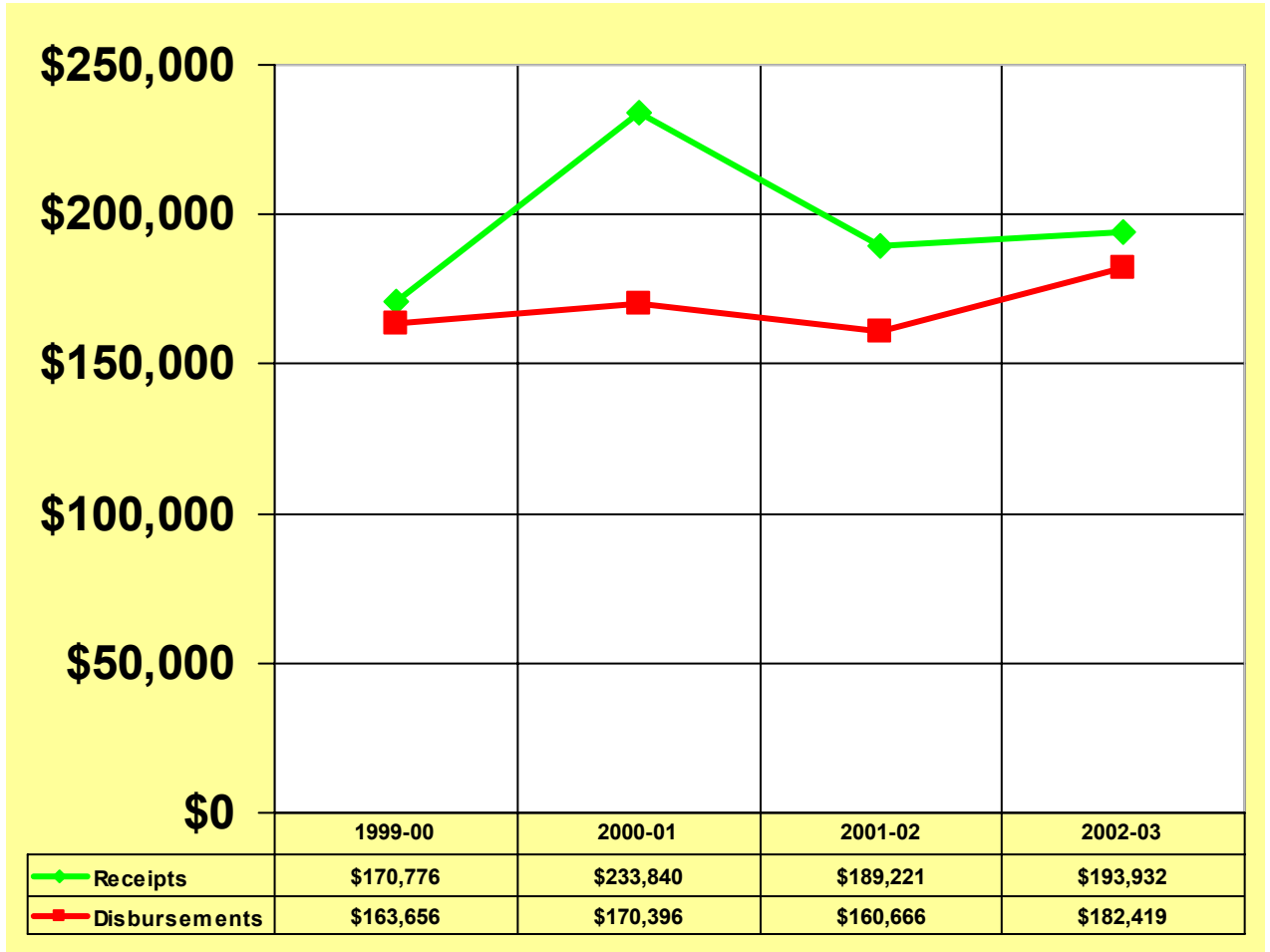
Schedule of Fees

Fee	\$Amount	Code of Alabama 1975	Administrative Rule	Comments
License Application	\$75	34-24-160	2.02	Maximum 150
Exam Application	150	34-24-160	2.05	
Original License	50	34-24-161	2.06	
License Replacement	25	34-24-162(3)	2.13	Maximum 50
Renewal – Active	200	34-24-165(a)	2.11	Maximum 300
Renewal – Retired	100		2.14	Maximum = ½ Active License
Renewal - Inactive	100	34-24-161(c)	2.16	½ Active License
Status Change Fee	100		2.16	
Late Fees	50 100 250	34-24-165(a)(1) 34-24-165(a)(2) 34-24-165(a)(3)	2.11	<30 days <60 days <90 days
Reinstatement	100	34-24-172 34-24-176	2.12	>90 days
Preceptor Dr. (per month)	25	34-24-145(c)	7.01	Paid quarterly, in advance
Disciplinary Fines	2,000 1,000 500	34-24-170 “ “	4.06(2)(a) 4.06(2)(b) 4.06(2)(c)	
Disciplinary Costs	cost	34-24-170	4.07(1)(a)	Maximum \$8,000
Annual Directory	50	34-24-140(g)	1.13	Set by Resolution
Cost Recovery Charges				
CCE Provider/course approval application	50	Cost of making and mailing 7 copies each of the applicable cover letter and all attachments		
5 yr CCE History	25	Computer printout, 5 yr. CE History per licensee		
Licensee Listing	40			
Mailing Labels	55			
License Verification	10			
Copy of Rules	50			
Copies (Other)	0.50 cents	Per page plus postage		
NSF Fee	Max Allowed	Code of Alabama 1975 , Section 8-8-15		

Schedule of Cash Receipts, Disbursements and Balances

	2002/2003	2001/2002	2000/2001	1999/2000
<u>Receipts</u>				
Licensing Fees	\$193,932.00	\$189,221.01	\$233,840.30	\$170,776.03
<u>Disbursements</u>				
Personnel Costs	66,777.80	63,929.80	58,391.00	53,895.30
Employee Benefits	19,236.46	17,736.63	16,153.62	14,663.91
Travel In-State	12,365.84	14,791.33	16,434.25	9,315.82
Travel Out-of-State	2,344.11		2,477.39	4,697.48
Repairs and Maintenance	3,583.49	474.00	918.88	831.00
Rentals and Leases	9,967.20	10,316.85	10,788.05	10,560.04
Utilities and Communications	12,370.83	8,987.16	10,113.20	10,931.09
Professional Services	46,966.66	30,448.03	45,020.01	50,558.62
Supplies, Materials and Operating Expenses	8,806.79	11,124.54	10,100.01	8,202.40
Other Equipment Purchased		2,857.42		
Total Disbursements	182,419.18	160,665.76	170,396.41	163,655.66
Excess (Deficiency) of Receipts over Disbursements	11,512.82	28,555.25	63,443.89	7,120.37
Cash Balance at Beginning of Year	160,108.27	131,553.02	68,109.13	60,988.76
Cash Balance at End of Year	171,621.09	160,108.27	131,553.02	68,109.13
Reserved for Year-End Obligations	25,289.94	28,961.14	26,583.58	19,720.91
Unobligated Cash Balance at Year-End	\$146,331.15	\$131,147.13	\$104,969.44	\$ 48,388.22

Receipts vs. Operating Disbursements



QUESTIONNAIRES

Board Member Questionnaire

Of the 8 board members sent questionnaires, 5 responded.

1. What are the most significant issues currently facing the Board of Chiropractic Examiners and how is the board addressing these issues?

- Complaints – Attempting to increase licensee knowledge of laws and rules through the news letter and by helping the ASCA give seminars R & R and laws
- There have been a lot more complaints concerning advertising, more information has been provided in a newsletter. The board is also looking at seminars that would be useful regarding rules and regulations.
- Advertising complaints. Even though the rules and regulations are very clear, it is apparent there must be a misunderstanding of how they are to be adhered to. We are trying to increase awareness in our news letter and we are trying to set up seminars for rules and regs.
- Several issues will need the Board's attention over the coming year. We are studying the feasibility of having a wellness program for substance abuse, to help handle complaints against licensees that may have addiction problems, and to monitor their progress as they re-enter the practice of chiropractic. We are also working on a program to increase licensees' knowledge of the rules and regulations by helping chiropractic associations with seminar regarding chiropractic rules & regulations.
- An increasing number of complainants – mostly advertising. The Board has passed a new rule requiring 4 hrs CE every 2 yrs in AL Rules & Regs. We are working with the association to present these hours. We are also addressing these issues in our newsletter.

2. What changes to the Board of Chiropractic Examiner's laws are needed?

- Should require permits for non license clinic owners and give board authority regarding patient records release etc.
- The Board needs authority with regards to patient records release. Also, permits should be required for all non licensed chiropractic clinics to provide clarity on ownership and responsibility of patient records.
- We need to be able to have jurisdiction over non-doctor owned clinics. The doctors working for these clinics are liable for the advertising and operation however they usually are not informed and when there is a violation (which has been occurring frequently) the licensee is the only one we can discipline.

- There is a need to change the law to give the Board the authority to get patient records when investigating fraud and insurance abuse cases. The Board would also like to require non-license entities (not chiropractic physician owned clinic) to have a permit issued that would bring the owner under the Chiropractic Rules & Regulation of the state of Alabama like any other licensed chiropractors. Presently the Chiropractic Law, Rules & Regulations, does not directly affect the owners.
- The Board has a number of complaints involving clinics owned by non-DC over which we currently have no jurisdiction. The complaints have involved advertising & more seriously issues such as fraudulent billing. We have a bill in the Legislature to correct this.

3. Is the Board of Chiropractic Examiners adequately funded?

Yes 2 No 2 Unknown 1 No Opinion 0

- I am a newly elected member and I do not have a full knowledge of the Board's financial situation. However, I have noticed a significant increase in the number of complaints and other legal issues that have come to Board attention over the past few years. That and the new wellness program will certainly cause a financial demand on the Board over the next fiscal year.

4. Is the Board of Chiropractic Examiners adequately staffed?

Yes 2 No 2 Unknown 1 No Opinion 0

- With more complaints, going to hearings and increased request for advisory opinions, resulting in increased paperwork and changes in filing systems.
- As mentioned above, as we see increase number of complaints and legal issues to be handle by the Board's staff, it may not be long before additional staff will be needed to properly handle the workload.

5. What is the purpose of your fiscal year end balance of unobligated funds?

- To carry over to defray expense on the next year
- The funds are carried over to pay expenses on the next fiscal year
- Our funds are carried over to the next fiscal year to cover expenses.
- In my opinion any Unobligated funds would be carried over to the next fiscal year to help pay expenses.
- In my opinion unobligated funds would be carried over to the next fiscal year to help pay expenses.

Licensed Chiropractor Questionnaire

Of the 100 licensees sent questionnaires, 70 responded.

1. Do you think regulation of your profession by the Board of Chiropractic Examiners is necessary to protect public welfare?

Yes **64** No **4** Unknown **0** No Opinion **1**

- They seem to be very good at enforcing regulations regarding advertising. However, we would like to see more of their efforts directed at positioning chiropractic as a separate and distinct profession apart from medicine, in the same way that dentist are separate and distinct professionally.

2. Do you think any of the Board of Chiropractic Examiners laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes **15** No **46** Unknown **3** No Opinion **4**

- Advertising for multiple staff devices
- C.E courses are often irrelevant to subluxation correction. Traveling and the expense involved are a burden to struggling practices. Fees are often too high. Adjusting skills are frequently displayed in favor of manipulation and non-chiropractic approaches.
- An insurance company (one) requires us to pay money to the Board of Examiners to prove our licensure. This is an unfair charge to the doctors by the Board.
- Charging for license verification by only 1 insurance company.

3. Do you think any of the Board of Chiropractic Examiners requirements are irrelevant to the competent practice of your profession?

Yes **9** No **52** Unknown **5** No Opinion **2**

- Many chiropractors in the state are poor adjusters and weak in fundamentals. This is a reflection on the Board of Examiners and their vision of chiropractic for Alabama. Manipulation does not equal adjustment. It is no wonder that scope of practice is always a bone of contention.
- The current advertising regulations have no bearing on competent practice of chiropractic and relate to “appearances” vs actual performance of chiropractic services.

4. **Are you adequately informed by the Board of Chiropractic Examiners of changes to and interpretations of Board of Chiropractic Examiners positions, policies, rules and laws?**

Yes **65** No **4** Unknown **0** No Opinion **0**

- But the Board charges \$50 for rules and regulations which should automatically be updated each year.

5. **Has the Board of Chiropractic Examiners performed your licensing and renewal in a timely manner?**

Yes **68** No **1** No Opinion **0**

6. **Do you consider mandatory continuing education necessary for competent practice?**

Yes **49** No **19** Unknown **0** No Opinion **1**

- Absolutely!

7. **Has the Board of Chiropractic Examiners approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?**

Yes **61** No **7** Unknown **1** No Opinion **0**

- Always could use more
- Could more and in different locations

8. **What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Chiropractic Examiners doing to address the issue(s)?**

- Increase scope
- Fraud & immoral practices – (ex) ambulance chasers
- Adjustments for chiro. Profession only. Not PT's, not MD's or massage therapist
- Better insurance/Medicare reimbursement. This is not a board function.
- Equal pay with medical profession for services rendered. Unknown if it is currently being addressed.
- Credibility and respect from other health care professionals
- Improper advertising and the Board's lack of ability to control it w/o a lawsuit. Also, Board office should be in state capital! Not Clanton, AL.
- Unfair trade practices by BCBS towards Chiropractic ASBCE works w/ASCA
- We would like for subluxation correction to be elevated to its appropriate position in chiropractic care within Alabama rather than the current medicalized concept of chiropractic.

- Limitations on chiropractic coverage by insurance companies. Patients should have the right to choose chiropractic and have it paid for by insurance with restrictions.
- Some physical therapist trying to do spinal manipulation by using chiropractic moves. I don't know what the ASBCE is doing about it.
- Physical therapist able to adjust including medical doctors, which are not trained to do so. Blue Cross Blue Shield policy V.S. chiropractors and MD's. Medicare's number of visits and reimbursement to chiropractors. No, I don't think the Board is doing its part.
- Lack of insurance coverage by companies in state. The Board is trying to educate the public to chiropractic's benefits.
- Insurance reimbursement – nothing that I know of.
- Restrictions by the insurance profession limiting our ability to treat our patients. I don't know what the Board is doing.
- Equal treatment of chiropractors and patients with chiropractic coverage within managed healthcare and federal insurance groups.
 - (1) Insurance equality – trying to pass bills to change. (2) A willing provider, unsure of actions. Insurance limitations e.g. # visits – probably cannot change due to policy purchased, although not limited by other professions!
- Medicare restrictions. I do not know what the Board of Examiners is doing to address this.
- Lately I haven't been keeping up with current issues that pertain to the Board, and that is my fault, not the BCE's
- The Board is not trying to help the profession; they seem to have loyalty to the ASCA and do basically what the ASCA wants while ignoring the needs of chiropractors who are members of the ASCA.
- Insurance inequality. Chiropractic benefits are significantly less than other medical professions. Do not feel board is addressing these issues properly.
- To insure only competent doctors are licensed in our state. I think it was a mistake to drop the state exam.
- Insurance equality.
- Insurance reimbursement
- Hippa comp. Board - notify of changes regulatory laws.
- The most significant issue facing our profession is the presence of untrained, uneducated (in spinal manipulation) physical therapist performing chiropractic treatment to people in hospitals and clinics, causing many injuries and health problems and worse.
- Improper advertising: I think the Board should be a little more stringent with punishment. But they are doing a good job.
- #1.: Insurance benefit parity with medical providers and physical therapist. This is not an issue the Board can address.
- Insurance Co. limiting visits and amounts. Finding lobbyist to hear our view in Montgomery.
- Lack of equitable insurance coverage for chiropractic care.
- Blue Cross Blue Shield – this insurance “mega opdy” severely limits payments to chiropractors – many plans have only a \$400 limit – 600 per year. Insurance

reimbursement is our #1 problem. I am unsure what actions the board has taken in this area. The encroachment by physical therapists on spinal manipulations. I don't know what the Board is doing but the Board should not define our practice to accommodate the PT's wishes. The APTA has asked the Chiropractic Board to define our physical therapy modulation as only to be performed by PT's. We are trained to perform these modulations & should remain our privilege.

- BC/BS and Medicare reimbursements
- Insurance coverage – I'm not sure what they are doing. Advertising issues seem unnecessary – some of the wording is ridiculous.
- One of the most significant issues facing our profession is mail solicitation by doctors after obtaining police reports of accidents. I feel the Board of Examiners have done a good job in making it difficult for these "unethical" doctors to continue practice.
- Equal treatment by insurance carriers.
- Insurance Inequality
- The Use of Injectable Nutrients: _The Board has reversed itself on a previous interpretation of the existing law which allows the use of nutrients without specific restrictions on pathway Injectable f delivery; Rather than prohibit the use of Injectable nutrients, the Board has the authority, under existing law, with no changes, to specify the certification process wherein chiropractors (DC's) would be authorized to administer injectable nutrients.
- The things that are taught and ingrained into the minds of the DC's that take these practice building courses and get affiliated with them are deplorable at the least. It is getting harder and harder to find a principled DC anymore. Most that I know only want to fleece their patients. When are we going to get back to helping sick people?
- Increased insurance benefits. I feel they are working on this.
- Advertising – Penalties for rules violations
- Blue Cross/Blue Shield cuts in chiropractic – Billing insurance should be uniform in areas
- Lack of group insurance reimbursements (mainly BC/BS). ASBCE apparently has political lobbyist working on it (to minimal avail)
- Chiropractic needs to be in the main stream of patient rehabilitation. Chiropractic is better educated and equipped to handle these patients.
- The issue of non-chiropractors running offices, with D.C as employees. What the Board is doing to regulate this I don't know.
- PT's (physical therapist) performing chiropractic services. BC/BS restrictive billing/payment schedules.
- The discrimination of insurance companies against our profession. This also hurts the public by not providing chiropractic care. I suppose the Board of Chiropractic Examiners is doing whatever they "can" do to address the problem.
- Unfair play against chiropractic. It doesn't seem like they are working on needed issues in AL.
- The Board needs to perform more of an aggressive approach in dealing w/insurance companies to protect doctor's rights & fair play amongst professionals.

- Insurance problems – and to my knowledge the Board is not adequately addressing this problem.
- Getting paid by insurance companies.
- Need to be aggressive working the laws in Ala and Dr.'s rights.
- Prejudice and discrimination by health insurance industry and the at large health professions.
- Unqualified, undereducated application of spinal adjustments/ spinal manipulation provided thru health care system. Little or no action taken thru the Attorney General's Office and/or legislature.

9. Do you think the Board of Chiropractic Examiners of Chiropractic Examiners and its staff are satisfactorily performing their duties?

Yes **55** No **8** Unknown **4** No Opinion **2**

- They may be more concerned with expanding their influence, office space and finances.
- I think the secretarial staff tries to use undue influence on the Board and that the Board attorney has over stepped his bounds in personal persecution of certain chiropractors in the state while ignoring other more severe problems.
- I know they are working, just not sure what all is being accomplished.
- Proper investigation skills should be employed as opposed to hear say accusations.
- Proper investigation in needed not blighted opinions.

10. Has any member of the Board of Chiropractic Examiners or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board of Chiropractic Examiners service for you?

Yes **3** No **66** Unknown **1** No Opinion **0**

- Of course not!
- The state could save money by having a professional licensing board which has members from each profession to test and license chiropractors, MD's D O. Radiologist, contractors and other occupations which require state licensure. Each entity should have 5 members to test their own field of expertise overseen by the state.
- Health Springs License Fee
- Health Spring Insurance requires a \$10 fee be paid to the Board for reaccreditation w/paid license.
- Ins 7 Health Springs ins. Also payment any request fm the Board

Complainant Questionnaire

Of the **35** complainants sent questionnaires, **15** responded.

1. Was your complaint filed with the Board of Chiropractic Examiners by:

Mail **12** Phone **7** Fax **2** Other **0** Unknown **2**

2. Was receipt of your complaint promptly acknowledged?

Yes **11** No **2** Unknown **1**

If yes, approximately how long after you filed your complaint were you contacted by the Board of Chiropractic Examiners?

- And I'm sure with a standard answer – “nothing wrong”

Immediately **4** Within 10 days **3** Within 20 days **1**

Within 30 days **3** More than 30 days **2** Did not respond **0**

Unknown **0**

- It happened in April 2002 – So I'm not sure whether it was within 30 days or more than 30 days

3. Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable **9** Courteous **10** Neither **1** Unknown **2**

- All responses were courteous
- I have no idea of the knowledge – I'm sure no real evaluation was performed relative to the treatments my brother received or the necessity of the treatment.

4. Did the Board of Chiropractic Examiners communicate the results of investigating your complaint to you?

Yes **8** No **4** Unknown **1**

- Still in process
- Again – I'm sure it was a standard answer “nothing wrong”. I don't believe anyone did a real comprehensive investigation or the necessity of the treatment he received.

5. Do you think the Board of Chiropractic Examiners did everything it could to resolve your complaint?

Yes 5 No 5 Unknown 3

- Still in process
- I went to see Dr. [REDACTED] with back trouble & was very disappointed the relief that I got from him, & I was disappointed with the way his office personnel handled my account. I tried to get them send the statement to Medicare, for them to pay the amount that Medicare would cover but they wouldn't do that for me & I had to pay all the bill which was over \$171.00 and I didn't think they did the right thing on the amount that he charged me. They also told me that they were going to turn the account over to a collection agency, and I had to pay the full amount. I would never recommend him to anyone.

6. Were you satisfied with your dealings with the Board of Chiropractic Examiners?

Yes 5 No 6 Unknown 2

- So far
- I don't know the results of my complaint, so I cannot answer that at this time.
- My brother died Oct 6, 2003. During the last 2 ½ years of his life he was diagnosed with heart disease, chronic back and other pain, and lost of memory. My brother was an 83 year old patient who needed 5 by passes and back surgery, but could not or probably would not survive the surgery. Drs. even got so far to put him to sleep for the heart surgery – but the surgeon was ethical enough to stop the procedure at this stage and council the family that he did not believe he (my bro.) would survive the surgery. Prior to this my brother had 3 blocks for pain caused by compressed vertebra in his back. None worked. The pain Dr advised my bro that he would not give additional blocks for pain because it was not “working,” and the only solution was back surgery which he would not recommend because of my bro age & condition. All of this information was available to Dr. [REDACTED] if he consulted my bro's Dr. of record or cared enough to consult with others.
- He told my bro. that he could stop the pain and could help him. My bro's memory was not good. He could not read or understand written material. Dr [REDACTED] had my 83 yr old bro sign papers that he neither understand and probably did not even read. I'm sure he (Dr [REDACTED]) did not explain what was in the papers my brother signed.
- The only thing Dr Rhodes was concerned with was the money he was making. If anyone investigating my bro. complaint and saw his condition at the time of treatment he should surely see that my bro's condition was such that Dr Rhodes could not help him. Dr Rhodes may have had all the right papers signed by my bro for legal protection. But he was not ethical, he did not consult with my bro's Dr of record and the treatment he gave did not help in any way help my bro. I filled the original papers and sending all docs to you. **(Returned to sender)** I hope you can take action to assure that this doesn't happen to others.

APPENDICES

Enabling Statutes

DIVISION 1. GENERAL PROVISIONS.

§ 34-24-120. "Chiropractic" defined; authority of licensed chiropractor. [AL ST SEC 34-24-120]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) The term "chiropractic," when used in this article, is hereby defined as the science and art of locating and removing without the use of drugs or surgery any interference with the transmission and expression of nerve energy in the human body by any means or methods as taught in schools or colleges of chiropractic which are recognized by the State Board of Chiropractic Examiners.

(b) Any chiropractor who has been certified and licensed by the State Board of Chiropractic Examiners may examine, analyze and diagnose the human body and its diseases by the use of any physical, clinical, thermal or radonic method, and the use of X-ray diagnosing, and may use any other general method of examination for diagnosis and analysis taught in any school of chiropractic recognized by the State Board of Chiropractic Examiners.

(c) Chiropractors certified and licensed by the State Board of Chiropractic Examiners may practice chiropractic as set forth in subsections (a) and (b) of this section and may also recommend the use of foods and concentrates, food extracts, and may apply first aid and hygiene, but chiropractors are expressly prohibited from prescribing or administering to any person any drugs included in materia medica, except as herein provided, from performing any surgery, from practicing obstetrics or from giving X-ray treatments or treatments involving the use of radioactive materials of any description.
(Acts 1959, No. 108, p. 612, § 1; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-121. Advertising. [AL ST SEC 34-24-121]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The State Board of Chiropractic Examiners shall have the right to regulate the advertising of chiropractic services by chiropractors within the limits prescribed by this article and the rules and regulations governing the practice of chiropractic in this state.
(Acts 1959, No. 108, p. 612, § 22; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-122. Rights and duties of chiropractors. [AL ST SEC 34-24-122]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

Chiropractors who have complied with the provisions of this article shall have the right to treat patients according to specific chiropractic methods and shall observe state, county and municipal public health regulations, reporting to the proper health officers the same as other practitioners. Chiropractors shall not prescribe or administer medicine to patients, perform surgery, nor practice obstetrics or osteopathy.

(Acts 1959, No. 108, p. 612, § 9; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-123. License required; violation of article; penalties. [AL ST SEC 34-24-123]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

It shall be unlawful for any person to practice chiropractic unless he shall have first obtained a valid license as provided in this article and possesses all the qualifications prescribed by the terms of this article. Any person who shall practice or attempt to practice chiropractic without such a license or any person who shall buy or fraudulently obtain such a license or shall violate any of the terms of this article, or shall use the title "chiropractic," "D.C." or any word or title to induce the belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment in the county jail for not less than 30 days nor more than one year, either or both, at the discretion of the court. All subsequent offenses shall be separate and distinct offenses and punishable in like manner.

(Acts 1959, No. 108, p. 612, § 20; Acts 1989, No. 89-237, p. 321, § 2.)

DIVISION 2. BOARD OF CHIROPRACTIC EXAMINERS.

§ 34-24-140. Board of Chiropractic Examiners -- Creation; composition; powers and duties. [AL ST SEC 34-24-140]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#) [Annotations](#)

(a) There is created and established a State Board of Chiropractic Examiners. The board shall be composed of eight members. Seven members of the board shall be active licensed chiropractors elected as provided in this section, one from each congressional

district in this state except as otherwise provided in Section 34-24-141. A licensed member of the board shall be all of the following: A resident of Alabama who has resided in this state for at least five years; a resident of the congressional district from which elected; a graduate of a chartered chiropractic school or college, which required actual attendance in the school as a prerequisite to graduation; currently engaged in the practice of chiropractic and has been engaged in the practice in this state for at least the five immediately preceding years; and of good moral character.

(b) One member of the board shall be a consumer member of the board appointed by the Governor. Neither the consumer member, nor his or her spouse, shall be a chiropractor. The consumer member shall not be an immediate family member of a chiropractor, nor shall he or she be employed in the chiropractic field.

(c) The elected members of the board shall be elected as provided in this subsection. In August of any year that the term of a member of the board expires, the Board of Chiropractic Examiners shall mail a notice of the election of the board and the method of qualifying as a candidate to each active licensed chiropractor in the district where the vacancy occurs at his or her permanent mailing address. The election provided for in this section shall be conducted by an independent agency such as a certified public accounting firm unless there is only one candidate for the board and in this situation, the board shall certify the results. The board shall set a period for candidates to qualify and the date for the ballots to be mailed. Candidates shall qualify by submitting their name to the executive secretary of the board during the qualifying period which shall be not less than 20 days nor more than 40 days after the notice is mailed. Not less than 14 days after the deadline for qualification, each licensed chiropractor shall be mailed a ballot for the appropriate congressional district where the vacancy is to be filled. In order to be counted, the ballots shall be received by the board not later than 14 days after the ballots are mailed. The results of the election shall be certified by no less than three members of the board. The ballots shall be maintained for a period of six months. The candidate with a simple majority of the votes cast in each respective congressional district shall be elected to the board position for that congressional district. In the event no candidate in a district receives a majority of the votes, the board shall hold a run-off election in the same manner as provided in this subsection. The members of the board shall take office immediately upon election and the executive secretary of the board shall set the first meeting of the board after the election of the new board.

(d) Whenever a vacancy occurs on the board, whether by death, resignation of a member, or other cause, the vacancy shall be filled in the same manner as the original election or appointment for the remainder of the term of office.

(e) The board may employ investigators, inspectors, attorneys, and any other agents, employees, and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain a rigid administration and enforcement of state and federal law.

(f) The board shall employ an executive secretary who shall be responsible for the administration of board policy. The executive secretary may be licensed to practice chiropractic in this state as provided in this article.

(g) The board shall publish annually a directory listing all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the executive secretary at a cost set from time to time by resolution of the board.

(h) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.
(Acts 1959, No. 108, p. 612, § 2; Acts 1985, No. 85-613, p. 938, § 3; Acts 1989, No. 89-237, p. 321, § 2; Acts 1993, No. 93-150, p. 213, § 3; Acts 1995, No. 95-402, p. 837, § 1; Act 2003-352, § 1.)

§ 34-24-141. Board of Chiropractic Examiners -- Membership. [AL ST SEC 34-24-141]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The members of the board shall be elected or appointed, as provided in Section 34-24-140, for a term of four years and the terms shall be staggered. In the event that there are two or more board members serving from the same congressional district based on redistricting, the members of the board shall serve until their term expires, and the vacancy shall be filled from any congressional district where no member resides as the term or terms expire. In the event the State of Alabama gains or loses a congressional seat, the districts shall be based on the last congressional districting plan having seven districts. No member shall serve more than two consecutive full terms on the board, effective January 1, 1990. A member of the board may be removed by the Governor for neglect of duty or just cause. Before taking office, the members of the board shall take and file with the Secretary of State the constitutional oath of office required by Section 279 of the Constitution of Alabama of 1901.

(Acts 1959, No. 108, p. 612, § 3; Acts 1985, No. 85-613, p. 938, § 3; Acts 1989, No. 89-237, p. 321, § 2; Acts 1995, No. 95-402, p. 837, § 1; Act 2003-352, § 1.)

§ 34-24-142. Board of Chiropractic Examiners -- Compensation of members. [AL ST SEC 34-24-142]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

Each member of the board shall be entitled to receive a per diem at the rate of 80 percent of the rate established by Section 34-24-54 for each day or any portion thereof that the member of the board is in attendance at a meeting of the board or any function of the board, plus an amount not to exceed the per diem expense and transportation costs allowed to Alabama state employees for in-state travel for each day actively engaged in the duties of their office. All expenditures by the board shall be made only on requisition signed by the president or the executive secretary of the board.

(Acts 1959, No. 108, p. 612, § 4; Acts 1989, No. 89-237, p. 321, § 2; Act 2003-352, § 1.)

§ 34-24-143. Disposition of funds received; audit; accounts of secretary-treasurer and executive secretary. [AL ST SEC 34-24-143]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#) [Annotations](#)

All examination fees, certification fees, renewal fees and other such funds received by the board under the provisions of this article shall be deposited in the State Treasury to the credit of the State Board of Chiropractic Examiners, and all such funds are hereby appropriated to the board to defray the expenses incurred in carrying out the provisions of this article. Such expenses shall include printing, stamps, stationery, clerical help, travel and other necessary expenditures. The books and records of the board shall be subject to state audit in the same manner and to the same extent as any other state agency. The secretary-treasurer or the executive secretary shall keep a true and accurate account of all funds received by the board and all expenditures made by the board.

(Acts 1959, No. 108, p. 612, § 5; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-144. Board of Chiropractic Examiners -- Officers; meetings; rules and regulations; bond. [AL ST SEC 34-24-144]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The members of the State Board of Chiropractic Examiners shall convene within 30 days after their election or appointment and elect a president, vice-president, and secretary-treasurer from among their members, and thereafter the board shall elect, annually, after the commencement of the term of any board member, a president, vice-president and secretary-treasurer from among the members of the board. The board shall meet at least twice a year and shall set by rule the regular meeting schedule of the board. The board shall adopt a seal, which shall be affixed to all licenses issued. Five licensed members of the board shall constitute a quorum. However, the board may appoint hearing panels consisting of no fewer than three board members. The consumer member of the board may be a member of each hearing panel. The hearing panels are authorized to conduct hearings in the same manner as the full board is authorized to conduct hearings. The board may from time to time adopt necessary rules and regulations for the performance of its duties. The secretary-treasurer and the executive secretary of the board shall give bond in the principal sum of one thousand dollars (\$1,000), payable to the State of Alabama, for the faithful performance of their duties. The premiums for the bond shall be paid by the board from funds appropriated for its use.

(Acts 1959, No. 108, p. 612, § 6; Acts 1989, No. 89-237, p. 321, § 2; Acts 1995, No. 95-402, p. 837, § 1; Act 2003-352, § 1.)

§ 34-24-145. Establishment of preceptorship, etc., authorized; issuance and expiration of limited license; board to establish rules, etc., for implementation of section. [AL ST SEC 34-24-145]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) The State Board of Chiropractic Examiners is hereby authorized to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at board-approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such schools may be issued a limited license to practice chiropractic under the direct on-premises supervision of a sponsor licensed to practice chiropractic in the State of Alabama, and in the case of chiropractic students, also under the supervision of the school. The limited license shall expire immediately upon the board issuing the results of the second licensure examination.

(b) The State Board of Chiropractic Examiners shall prohibit the use of more than one limited license student or graduate to one sponsor licensed to practice chiropractic.

(c) The State Board of Chiropractic Examiners is empowered to establish rules and regulations for the implementation of this section, including, but not limited to, providing academic, professional, and character requirements for eligible participants, defining the permitted scope of practice of the limited licensee, and requiring fees for participation.

(d) The State Board of Chiropractic Examiners shall implement and perform all powers and duties transferred to it pursuant to Act 81-217, H. 213, 1981 Regular Session (Acts 1981, p. 271).

(Acts 1983, No. 83-586, p. 919, §§ 1-3; Acts 1989, No. 89-237, p. 321, § 2.)

DIVISION 3. CERTIFICATES OF QUALIFICATION.

§ 34-24-160. Application; qualifications of applicant; fee. [AL ST SEC 34-24-160]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

Any person wishing the right to practice chiropractic shall make application to the State Board of Chiropractic Examiners in such form as the board may prescribe. Each applicant shall be of good moral character and shall be a graduate of a chartered chiropractic school or college accredited by the council of chiropractic education which teaches only attendance courses and requires a minimum four-year standard college course. Such applicant shall also have had literary training equaling as much as a regular high school. Application shall be signed by the applicant in his own handwriting, and shall be notarized, and shall recite the history of the applicant's educational qualifications, how long he has studied chiropractic, what collateral branches, if any, he has studied, the length of time he has engaged in clinical practice, with proof thereof in the form of diplomas, certificates, transcripts, etc. Each applicant shall submit with his application satisfactory evidence of good character and reputation. Each applicant for licensure shall pay to the board a fee of not less than \$50.00 and not more than \$150.00, the exact

amount to be fixed annually by resolution of the State Board of Chiropractic Examiners. The fee shall accompany the application. A fee of not less than \$50.00 and not more than \$150.00, the exact amount to be fixed by resolution of the State Board of Chiropractic Examiners shall be paid for any subsequent examination.

(Acts 1959, No. 108, p. 612, § 7; Acts 1978, No. 767, p. 1107, § 1; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-161. Examinations; issuance and replacement of license; identification of office. [AL ST SEC 34-24-161]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#) [Annotations](#)

(a) Each applicant, who matriculated into a chiropractic college after January 1, 1973, must pass parts one and two of the examination administered by the National Board of Chiropractic Examiners or other national examination as approved by the board.

(b) The State Board of Chiropractic Examiners shall prescribe rules and regulations regarding which national examination shall be administered, the conduct of and times and places of examinations, and requirements for successful completion of examinations. A license shall be issued for each applicant who successfully completes the examination.

(c) Irrespective of the requirements in subsections (a) and (b), the board may license an applicant if the applicant is licensed in another state that, in the opinion of the board, has standards of practice or licensure equal to or stricter than the requirements imposed by this article.

(d) Upon completion of all requirements for licensure an applicant shall be issued a license. The fee for issuance of a license shall not be more than fifty dollars (\$50), the exact amount to be established by the board. Each license shall be dated and numbered in the order of issuance and shall be signed by the executive secretary and the president of the board.

(e) Replacement licenses:

(1) Any licensee whose license is lost or destroyed may be issued a replacement license upon making application to the board. The application must be accompanied by an affidavit setting out the facts concerning the loss or destruction.

(2) Name change. Any licensee whose name is changed by marriage or court order may surrender his or her license and apply for a replacement license.

(3) The fee for any replacement license shall be not more than fifty dollars (\$50), the exact amount to be established by the board.

(f) Each licensed chiropractor who is actively engaged in practice or who holds himself or herself out as a chiropractor shall place or cause to be placed in a conspicuous place at the entrance of his or her office or place in which he or she practices a sign in intelligible lettering not less than one inch in height containing the name of the chiropractor and in lettering no smaller than half the size of the name of the chiropractor, the words "CHIROPRACTOR" or "CHIROPRACTIC." The intent of this requirement is that the office of the licensee be clearly identified by name and profession.

(Acts 1959, No. 108, p. 612, § 8; Acts 1985, No. 85-613, p. 938, § 3; Acts 1989, No. 89-237, p. 321, § 2; Acts 1997, No. 97-149, p. 190, § 3; Act 2003-352, § 1.)

§ 34-24-162. Issuance to persons licensed in other states. Repealed by Acts 1989, No. 89-237, p. 321, § 6, effective April 6, 1989. [AL ST SEC 34-24-162]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

§ 34-24-163. Issuance of certificates to persons practicing on January 1, 1960. [AL ST SEC 34-24-163]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

Notwithstanding any section of this article or any other law to the contrary, the board shall issue a license to practice chiropractic without examination to any person in the active practice of chiropractic in the State of Alabama on January 1, 1960; provided, that said person shall make a written application to the board on forms and in the manner prescribed by the board; and provided further, that said person produces evidence satisfactory to the board that he is a graduate of a school or college of chiropractic recognized by the board and is of good moral character. Such application shall be accompanied by a \$25.00 application fee. Any person who is in the armed forces of the United States and who otherwise meets the qualifications of this section and was actively in the practice of chiropractic in this state before becoming a member of the armed forces of the United States shall have 90 days after discharge or resignation from the armed forces of the United States in which to make application. The provisions of this section shall be further governed by the portions of this article which specifies methods for revocation, refusal or suspension of licenses, or rules and regulations governing retirement or surrender of licenses.

(Acts 1959, No. 108, p. 612, § 21; Acts 1989, No. 89-237, p. 321, § 2.)
C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-24-164. License to be recorded with judge of probate. [AL ST SEC 34-24-164]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

Every person who receives a license to practice chiropractic shall have it recorded in the office of the judge of probate of each county in which he practices and shall likewise have it recorded in the counties to which he may subsequently remove for the purpose of practicing chiropractic and shall pay a fee to the judge of probate in each county in which the license is recorded. No person shall engage in the practice of chiropractic until the license is recorded by the judge of probate.

(Acts 1959, No. 108, p. 612, § 11; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-165. Renewal, forfeiture, etc., of license; waiver of fees; inactive license.
[AL ST SEC 34-24-165]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) Every license to practice chiropractic shall be subject to renewal on September 30 of the year for which it is issued. Every person having a valid license may on or before September 30 renew the license for the ensuing year by the payment to the State Board of Chiropractic Examiners of a fee of not more than three hundred dollars (\$300), the exact amount to be fixed by rule of the board, adopted in accordance with the Alabama Administrative Procedure Act. The renewal shall be accompanied by satisfactory evidence that the person has completed during the preceding year a minimum of 18 hours of professional educational work approved by the board. The board, for good and reasonable cause shown, may waive the education requirement. The secretary-treasurer or the executive secretary of the board shall notify each licensee at least 30 days prior to September 30 of each year of the due date for renewal. In addition to the renewal fee, a late renewal penalty shall be assessed any licensee who fails to pay the renewal fee by September 30 of each year based on the following schedule:

- (1) For renewal during the month of October, fifty dollars (\$50).
- (2) For renewal during the month of November, one hundred dollars (\$100).
- (3) For renewal during the month of December, two hundred and fifty dollars (\$250).

A chiropractor may continue to practice until December 31 of the year for which a license is issued subject to subsection (b).

(b) Failure, by December 31 of each year, to renew a license and pay the renewal fee, late renewal penalty if applicable, and submit proof of completion of a minimum of 18 hours of approved professional educational work, unless waived, shall operate as a forfeiture of the right of the licensee to practice his or her profession in this state. During this grace period for renewal, a licensee may complete any continuing education requirements for renewal that the licensee failed to complete during the prior fiscal year. A forfeited license may be reinstated by the board, in its discretion, upon payment of a reinstatement fee as required by Section 34-24-176, and all past fees due, including the highest late renewal penalty provided above. All funds received by the board for annual license renewal fees may be used by the board for education, promotion and welfare of the science of chiropractic.

(c) Any licensee who is no longer in active practice may apply for retirement of his or her license by submitting an affidavit to that effect on a form supplied by the executive secretary. A licensee whose license is retired is excused from the professional education requirement specified in this article. The annual fee for maintenance of a retired license may not be more than one-half of the amount required by this article for an active license. Licensees who have not renewed in the last five years because of the increase in the retired renewal fee may renew to "Retired" status without having to pay the full amount of back fees and late fees. A retired licensee may not be required to pay back fees and reinstatement fees required by this article for reinstatement to active practice. The board may require the retired licensee to enroll in and successfully complete a refresher course approved by the board at an accredited chiropractic college. The decision of the board as

to whether a course of study will be required and whether a particular course of study will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.

(d) The board may waive or reduce annual registration and the payment of fees while any licensee is prevented from practicing chiropractic by reason of physical disability, temporary active duty with any of the armed forces of the United States, or while any licensee is completely retired from the practice of chiropractic. The waiver of fees shall be effective so long as the disability, temporary active duty, or complete retirement continues.

(e) The State Board of Chiropractic Examiners shall make rules and regulations as necessary and proper for effectuating or enforcing this article.

(f) The board shall also establish an inactive license for persons who desire to be licensed in Alabama but who actually practice in another state. The annual fee for maintenance of an inactive license shall be one-half of the amount required by this section for an active license.

(Acts 1959, No. 108, p. 612, § 19; Acts 1964, 1st Ex. Sess., No. 167, p. 232, § 1; Acts 1969, No. 608, p. 1113, § 1; Acts 1978, No. 769, p. 1109, § 1; Acts 1989, No. 89-237, p. 321, § 2; Acts 1997, No. 97-149, p. 190, § 3; Act 98-650, p. 1427, § 1; Act 99-662, 2nd Sp. Sess., p. 120, § 1; Act 2003-352, § 1.)

§ 34-24-166. Refusal, revocation or suspension -- Grounds; rules; disciplinary action. [AL ST SEC 34-24-166]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#) [Annotations](#)

(a) The State Board of Chiropractic Examiners may refuse to grant a license to any applicant who is not of good moral character and reputation or has a history of narcotic addiction or has previously been convicted of a felony or any crime of moral turpitude or has previously been diagnosed as having a psychopathic disorder.

(b) The State Board of Chiropractic Examiners may invoke disciplinary action as outlined in subsection (c) whenever the licensee shall be found guilty of any of the following:

- (1) Fraud in procuring a license, or any fraud in obtaining money or other thing of value.
- (2) Immoral, unprofessional or dishonorable conduct.
- (3) Habitual intoxication or addiction to the use of drugs.
- (4) Conviction of a felony or any crime of moral turpitude.
- (5) Illegal distribution of intoxicating liquors or drugs.
- (6) Conviction for violation of any narcotic or controlled substance statute.
- (7) Unlawful invasion of the field of practice of any other health practitioner when the licensee is not licensed to practice such profession.
- (8) Receipt of fees on the assurance that a manifestly incurable disease can be cured.
- (9) Division of fees or agreeing to split or divide fees received for professional services with any person for bringing or referring a patient.

(10) Performing, procuring or aiding in the performance of a criminal abortion.
(11) Willful betrayal of a professional confidentiality.
(12) Continuing to practice after suspension or revocation of license.
(13) Exploitation of patients by overutilization of chiropractic services.
(14) Engaging in the incompetent practice of chiropractic.
(15) Aiding the unauthorized practice of chiropractic.
(16) Advertising in any manner which violates the rules and regulations established by the board.

(17) Willful or repeated violation of any of the provisions of this article or any rule or regulation adopted by the board.

(18) The suspension, revocation, or probation by another state of a license to practice chiropractic. A certified copy of the record of suspension, revocation, or probation shall be conclusive evidence of the suspension, revocation, or probation.

(19) The inability to practice chiropractic with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

(c)(1) The Board of Chiropractic Examiners shall establish rules and regulations which shall govern the practice of chiropractic and shall detail prohibited acts stated in this article. The board shall have the power and it shall be its duty as a consumer protection agency to fine any licensee and/or suspend for a specific time or revoke any license to practice chiropractic upon a determination of guilt on any of the above enumerated grounds.

(2) When the board finds any licensee guilty of any of the grounds set forth in subsection (b), the board may enter an order imposing one or more of the following penalties:

- a. Revoke the license to practice chiropractic.
- b. Suspend the license to practice chiropractic.
- c. Enter a censure.
- d. Issue an order fixing a period and terms of probation best adapted to protect the public health and safety and to rehabilitate the licensee.
- e. Impose an administrative fine not to exceed eight thousand dollars (\$8,000) for each count or separate offense.
- f. Impose restrictions on the scope of practice.
- g. Impose peer review or professional education requirements.
- h. Assess the costs of the disciplinary proceedings.

(3) Failure to comply with any final order of the board, including, but not limited to, an order of censure or probation, is cause for suspension or revocation of the license.

(d) The board may in an emergency situation, when danger to the public health, safety and welfare requires, suspend any license without a hearing or with an abbreviated hearing in accordance with the following sections of this article.

(e) Any person who engages in the unlawful practice of chiropractic, or who violates any provision of this chapter, shall be guilty of a Class C misdemeanor.

(f)(1) When the issue is whether or not a licensee is physically or mentally capable of practicing chiropractic with reasonable skill and safety to patients, then, upon a showing of probable cause to the board that the licensee is not capable of practicing

chiropractic with reasonable skill and safety to patients, the board may order and direct the licensee in question to submit to a physical, mental, or laboratory examination, or any combination thereof, to be performed by a physician designated or approved by the board. The expense of the examination shall be borne by the licensee who is examined.

(2) Every licensee who accepts the privilege of practicing chiropractic in the State of Alabama by actually practicing or by the making and filing of an annual renewal to practice chiropractic, and upon a showing of probable cause as provided in subdivision (1), shall be deemed to have given consent to submit to a mental, physical, or laboratory examination, or to any combination thereof, and to waive all objections to the admissibility of the testimony or examination reports of the examining physician on the ground that the reports constitute privileged doctor-patient communications.

(g) It shall be the duty and obligation of the board to promote the early identification, intervention, treatment, and rehabilitation of chiropractors licensed to practice in the state who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances or as a result of any physical or mental condition. The board may enter into an agreement for any of the following:

- (1) Contracting with providers for treatment programs.
- (2) Receiving and evaluating reports of suspected impairment from any source.
- (3) Intervening in cases of verified impairment.
- (4) Referring impaired chiropractors to treatment programs.
- (5) Monitoring the treatment and rehabilitation of impaired chiropractors.
- (6) Providing post-treatment monitoring and support of rehabilitated impaired chiropractors.

(h) All information, interviews, reports, statements, memoranda, or other documents furnished to the board are confidential and shall be used by the board only in the exercise of the proper function of the board and shall not be public records nor available for court subpoena or for discovery proceedings.

(Acts 1959, No. 108, p. 612, § 12; Acts 1969, No. 609, p. 1114, § 1; Acts 1989, No. 89-237, p. 321, § 2; Act 2003-352, § 1.)

§ 34-24-167. Refusal, revocation or suspension -- Notice of hearing; procedure. [AL ST SEC 34-24-167]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail, return receipt requested. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.

(b) The notice shall include:

- (1) A statement of the time, place and nature of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

- (3) A reference to the particular sections of the statutes and rules involved;
 - (4) A short and plain statement of the matters asserted. If the State Board of Chiropractic Examiners is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished; and
 - (5) The summons and complaint shall be mailed at least 35 days prior to the scheduled date of the hearing. The board may specify in its rules and regulations the period for reasonable notice in the event service is refused or returned.
 - (c) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.
 - (d) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved and to be represented by counsel at their own expense.
 - (e) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing. The attorney for the State Board of Chiropractic Examiners shall have the authority to make any settlement offer to any respondent in a disciplinary proceeding. Such offer shall not be binding upon the State Board of Chiropractic Examiners.
 - (f) The record in a contested case shall include:
 - (1) All pleadings, motions, and intermediate rulings;
 - (2) All evidence received or considered and all other submissions;
 - (3) A statement of all matters officially noticed;
 - (4) All questions and offers of proof, objections and rulings thereon;
 - (5) All proposed findings and exceptions;
 - (6) Any decision, opinion or report by the hearing officer at the hearing; and
 - (7) All staff memoranda or data submitted to the hearing officer or members of the board in connection with their consideration of the case.
 - (g) *Oral proceedings shall be open to the public.* Oral proceedings shall be recorded either by mechanized means or by qualified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the board for at least five years from the date of the decision and shall be made available for inspection by the public, except in those cases where the proceedings shall be ordered sealed by order of the court.
- (Acts 1959, No. 108, p. 612, § 13; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-168. Refusal, revocation or suspension -- Guidelines for conduct of hearing; settlement by guilty plea. [AL ST SEC 34-24-168]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

- (a) The board shall specify in its rules and regulations specific guidelines to govern

all hearings.

(b) In the event of a settlement of a contested case by means of a written guilty plea and waiver of hearing, the attorney for the board shall submit the complaint, plea and waiver with a recommendation as to final decision. The recommendation shall not be binding upon the board in making its final decision.

(Acts 1959, No. 108, p. 612, § 14; Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-169. Refusal, revocation or suspension--Effect of failure of party charged to appear at hearing; appeals. Repealed by Acts 1989, No. 89-237, p. 321, § 6, effective April 6, 1989. [AL ST SEC 34-24-169]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

§ 34-24-170. Costs and fines. [AL ST SEC 34-24-170]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

The board shall specify in its rules and regulations a schedule of costs or fines, or both, to be imposed upon any person who has been found guilty of a violation of Sections 34-24-166 or 34-24-161(f), each not to exceed eight thousand dollars (\$8,000) per violation.

(Acts 1959, No. 108, p. 612, § 16; Acts 1989, No. 89-237, p. 321, § 2; Act 2003-352, § 1.)

§ 34-24-171. Refusal, revocation or suspension--Notice to state licensing board for healing arts of revocation of certificate; revocation of license. Repealed by Acts 1989, No. 89-237, p. 321, § 6, effective April 6, 1989. [AL ST SEC 34-24-171]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

§ 34-24-172. Restoration of license. [AL ST SEC 34-24-172]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The State Board of Chiropractic Examiners, at any time after two years of the refusal or revocation or cancellation of a license under this article, by a majority vote, may issue

a new license or grant a license to the person affected, restoring to, or conferring upon the person, all the rights and privileges of and pertaining to the practice of chiropractic as defined and regulated by this article, upon the applicant's showing good moral character and possession of the qualifications required under the terms of this article and as may be specified in the rules and regulations adopted by the board. Any person to whom such license may have been restored shall pay to the board a restoration fee. The restoration fee shall be in an amount determined by the board, but not to exceed one-half the amount of the annual license fee upon the issuance of a new license.
(Acts 1959, No. 108, p. 612, § 18; Acts 1989, No. 89-237, p. 321, § 2; Act 2003-352, § 1.)

§ 34-24-173. Rules of evidence in contested cases. [AL ST SEC 34-24-173]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

In contested cases:

(1) The rules of evidence as applied in nonjury civil cases in the circuit courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The board shall give effect to the rules of privilege recognized by law. Except as hereinafter provided, objections to evidentiary offers may be made and shall be noted in the record. Whenever any evidence is excluded as inadmissible, all such evidence existing in written form shall remain a part of the record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof by means of a brief statement on the record describing the testimony excluded. All rulings on the admissibility of evidence shall be final and shall appear in the record. Subject to these requirements, when a hearing will be expedited and interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross-examination of the witness. The testimony of the parties and witnesses shall be made under oath.

(2) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the board. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examination required for a full and true disclosure of the facts, except as otherwise limited by law.

(4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the board.

(5) The experience, technical competence, and specialized knowledge of the board may be utilized in the evaluation of the evidence.

(6) The board's interpretation of its own rules and regulations in contested cases shall be final and conclusive and shall not be set aside upon judicial review.

(7) The board shall have the power to issue subpoenas and to compel the attendance of any witness or the production of any book, writing or other document in the possession, custody or control of any person. Any person refusing to produce any book, writing or other document or to appear to testify, without legal excuse, at such hearing of the board, after having been served with a subpoena issued by the board, shall be guilty of contempt; and upon certification of such act by the board to the judge of the circuit court of whose jurisdiction the hearing is held or is to be held, the judge shall punish the same as though committed before him.
(Acts 1989, No. 89-237, p. 321, § 2.)

§ 34-24-174. Form and content of final order. [AL ST SEC 34-24-174]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) The final order in a proceeding shall be in writing and made a part of the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within 45 days:

(1) After the hearing is concluded, if conducted by the board;

(2) After the board accepts any proposed findings of fact and conclusions of law or proposed final order from any party in a disciplinary hearing;

(3) After a recommended order, or findings and conclusion are submitted to the board and mailed to all parties, if the hearing is conducted by a hearing officer; or

(4) The 45-day period may be waived or extended with the consent of all parties.

(b) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a statement of the underlying facts of record which support the findings.

(c) If the board finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoinable from the date rendered.

(d) Parties shall be notified either personally or by certified mail return receipt requested of any order and, unless waived, a copy of the final order shall be so delivered or mailed to each party or to his attorney of record.

(Acts 1989, No. 89-237, p. 321, § 3.)

§ 34-24-175. Appeal from final decision, judicial review. [AL ST SEC 34-24-175]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) Any party whose license is revoked, refused or suspended by the board shall not be required to file a motion for rehearing to exhaust his remedies available from the board.

(b) Any party whose license is revoked, refused or suspended by the board, may file a petition for judicial review in the Circuit Court of Montgomery County. The filing of the

petition must be within 30 days of the date of the board's final decision.

(c) Within 30 days after receipt of the petition for judicial review or within such additional time as the court may allow, the board shall transmit to the reviewing court the original or a certified copy of the entire record and transcript of the proceedings under review. Any party seeking judicial review of the board's revocation, refusal or suspension of his license shall be responsible for all costs associated with preparation, transcription, reproduction and transmittal of the proceedings under review.

(d) Other than specified in this statute, any judicial review of the board's final decision shall be conducted in accordance with the provisions for review of final agency decisions of contested cases in Sections 41-22-20 and 41-22-21.

(Acts 1989, No. 89-237, p. 321, § 4.)

§ 34-24-176. Reinstatement of license. [AL ST SEC 34-24-176]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

In any event any licensee allows his or her license to lapse and desires to return to active practice, he or she must apply to the board for a reinstatement of the license and must submit to the board a reinstatement fee together with all back fees. The reinstatement fee shall be one-half the amount of the annual license fee. The applicant must satisfy the board that he is of good moral character and otherwise possesses all qualifications required by law of licensees. Additionally, the board may require the licensee to enroll in and pass a refresher course approved by the board at an accredited chiropractic college. The board's decision as to whether a course of study will be required and whether a particular course of study will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.

(Acts 1989, No. 89-237, p. 321, § 5; Act 2003-352, § 1.)

Act 2004-442

ACT No. 2004-442

1 SB201
2 63124-4
3 By Senators Mitchell and Means
4 RFD: Governmental Affairs
5 First Read: 05-FEB-04



1
2
3 ENROLLED, An Act,

4 To amend Section 34-24-123, Code of Alabama 1975,
5 relating to the licensing of chiropractors, to provide that
6 any chiropractic practice or office owned by a person not
7 licensed shall also be required to be licensed.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 34-24-123, Code of Alabama 1975,
10 is amended to read as follows:

11 "§34-24-123.

12 "(a) It shall be unlawful for any person to practice
13 chiropractic unless he or she shall have first obtained a
14 valid license as provided in this article and possesses all
15 the qualifications prescribed by the terms of this article.
16 Any person who shall practice or attempt to practice
17 chiropractic without such a license or any person who shall
18 buy or fraudulently obtain such a license or shall violate any
19 of the terms of this article, or shall use the title
20 "chiropractic," "D.C." or any word or title to induce the
21 belief that he or she is engaged in the practice of
22 chiropractic, without first complying with the provisions of
23 this article, shall be guilty of a misdemeanor and, upon
24 conviction thereof, shall be punished by a fine of not less
25 than \$100.00 nor more than \$500.00, or by imprisonment in the

1 county jail for not less than 30 days nor more than one year,
 2 either or both, at the discretion of the court. All subsequent
 3 offenses shall be separate and distinct offenses and
 4 punishable in like manner.

5 "(b) It shall be unlawful for any person who is not
 6 otherwise licensed by the board to own, in whole or in part,
 7 any chiropractic practice unless he or she shall have first
 8 obtained a valid permit in the name of the chiropractic
 9 practice or office. Employment of a chiropractor by a
 10 hospital, as defined in Section 22-21-7, shall be excluded
 11 from the requirements of this subsection. The board shall
 12 establish a reasonable fee for the issuance of the permit,
 13 which shall be renewable annually. The holder of a permit
 14 issued pursuant to this subsection shall be subject to this
 15 article and any rules or regulations issued pursuant thereto."

16 Section 2. This act shall become effective
 17 immediately following its passage and approval by the
 18 Governor, or its otherwise becoming law.

Lucy Baxley

President and Presiding Officer of the Senate

Adm. / Huff

Speaker of the House of Representatives

SB201

Senate 24-FEB-04

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Passed: 04-MAY-04

APPROVED 5-13-04

TIME 8:16 a.m.

Bob Riley
GOVERNOR

By: Senator Mitchell

Alabama Secretary of State

Act Num.....2004-442
Bill Num....S-201

Recv'd 05/13/04 12:48pm HNB

Alabama Secretary Of State
Act Num.....2004-442
Bill Num....S-201

Board Members

#3

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

RONALD J. WHEELER, D. C., PRES.
 PAULA D. GILLIAM, D. C., VICE-PRES.
 MERRITT G. LETT, D.C., SEC/TREAS.
 RONALD F. IVIE, D. C.
 CARL E. NELSON, D.C.
 GILLES X. BEAUMONT, D.C.
 JERRY L. SCHREINER, D.C.
 MR. BILL DRINKARD, CONSUMER MEMBER



SHEILA BOLTON
 EXECUTIVE SECRETARY
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 1-800-949-5838
 1-205-755-8000
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CURRENT BOARD MEMBERS AND OFFICIALS WITH PHONE NUMBERS

Board Members	Phone / Position	Termination Date
Hon. Ronald J. Wheeler, D.C. District # 3	President 205-238-8300	1021 Noble St Ste 200 Anniston, AL 36201
Hon. Paula D. Gilliam, D.C. District # 5	Vice-President 256-430-0021	1900 A Sparkman Drive Huntsville, AL 35816
Hon. Merritt G. Lett, D.C. District # 4	Secretary / Treasurer 256-492-6800	3306 Gurley Avenue Glencoe, AL 35903
Hon., Gilles X. Beaumont, D.C. District # 1	251-341-1211	801 Downtowner Blvd. Mobile, AL 36609
Hon. Jerry L. Schreiner, D.C. District # 7	334-636-0800	32620 B Hwy 43 Thomasville, AL 36784
Hon. Ronald F. Ivie, D.C. District # 6	205-744-5602	P O Box 332 Pleasant Grove, AL 35127
Hon. Carl E. Nelson, D.C. District # 2	334-222-6440	P O Box 1382 Andalusia, AL 36420
Hon. William H. Drinkard	Consumer Member 256-739-1815	P O Box 996 Cullman, AL 35056
Official Mrs. Sheila K. Bolton	Executive Secretary 205-755-8000 ext 222	737 Logan Road Clanton, AL 35045

Signed: Sheila K. Bolton Date: 3-11-04
 Executive Secretary

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

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June 30, 2004

Mr. John E. Norris
Director, Operational Division
Examiners of Public Accounts
P O Box 302251
Montgomery, AL 36130-2251

Re: Response to Significant Items

Dear Mr. Norris:

As the Executive Secretary of the Alabama State Board of Chiropractic Examiners and at the Board's direction, I am responding to the significant items resulting from the report of the audit of the Board. The Board's responses will be in the order presented.

1. Quite simply, the Board has absolutely no jurisdiction or control relating to coverage or benefits offered by insurance companies and Medicare. Nothing in the statute creating the Board, Code of Alabama, (1975) §34-24-120, et seq. would even remotely suggest that the Board has any authority or power to act in this regard. The level of benefits concerning private insurance companies are obviously business and market place determinative and benefits through Medicare is the function of the appropriate agency of state or federal government responsible for the implementation and criteria of that program.

In conclusion, while the Board may very well agree with those surveyed that limitations on chiropractic coverage are too severe, the Board simply cannot take any action in that regard.

2. As noted, legislation was passed during the 2004 Legislative Session requiring non- chiropractic owners of clinics or practices to obtain an annual permit from the Board. The Board is actively engaged in rule making as authorized by the legislation with hopes of proposing a rule, submitting a notice of intended action, setting a public hearing, etc. at its next meeting.

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3. The Board understands that there is specific statutory authorization for holidays with the only exception belonging to the Governor to declare other days as holidays. The Board will no longer allow holidays not authorized in the manner set forth above.
4. The Board does not agree that its employees are part of the merit system. Code of Alabama (1975) §34-24-140 authorized the Board, and no other entity, to employ agents, employees, assistants, and an executive secretary. See Code of Alabama (1975) §34-24-140(e) and (f). In the Board's opinion, if the Legislature had intended the Board's employees to be merit system employees and be hired through the merit system process, then the Legislature would have so stated. The Board may seek guidance through an Attorney General's opinion concerning this issue and without abandoning its position, will agree not to extend leave or any additional compensation to its employees beyond entitlements under the provisions of the state merit system.

The Board appreciates the opportunity to respond and the hard work of your office and the Sunset Committee.

Very truly yours,

Sheila Bolton
Executive Secretary

SB/ms